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General Assembly

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Item 17 (a) of the preliminary list*

Elections to fill vacancies in subsidiary organs and other elections: election of the members of the International Law Commission

Note by the Secretary-General

1. The International Law Commission was established by the General Assembly in its resolution 174 (II) of 21 November 1947 for the promotion of the progressive development of international law and its codification. The Commission is composed of 34 members, whose term of office will expire at the end of 2001. The election of the members of the Commission for the next five-year term, beginning on 1 January 2002, will be held at the fifty-sixth session of the General Assembly.

2. Article 3 of the statute of the Commission requires that the members of the Commission be elected by the General Assembly from a list of candidates nominated by the Governments of States Members of the United Nations. In accordance with that article and other relevant provisions of the statute of the Commission, the Secretary-General, in a note verbale dated 5 October 2000, requested the permanent representatives of States Members of the United Nations to submit to him by 1 June 2001 the names of the candidates whom the Governments of Member States might wish to nominate for election to the Commission, together with statements of qualifications of such candidates.

3. Article 6 of the statute of the Commission provides that the Secretary-General shall, as soon as possible, communicate to the Governments of States Members of the United Nations the names of the candidates nominated, and any statements of qualifications of candidates that may have been submitted by the nominating Governments. The nominations submitted by Governments to the Secretary-General, in reply to his request, are, pursuant to article 6 of the statute, set out below:

* A/56/50.

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Name and nationality	*Nominated by*
Addo, Emmanuel Akwei (Ghana)	Ghana
Al-Marri, Ali Mohsen Fetais (Qatar)	Qatar
Baena Soares, João Clemente (Brazil)	Brazil
Brownlie, Ian (United Kingdom of Great Britain and Northern Ireland)	United Kingdom of Great Britain and Northern Ireland India South Africa
Candioti, Enrique J. A. (Argentina)	Argentina
Chee, Choung Il (Republic of Korea)	Republic of Korea
Comissario Afonso, Pedro (Mozambique)	Mozambique
Daoudi, Riad (Syrian Arab Republic)	Syrian Arab Republic
Dawi, Ali Abdulrahman (Libyan Arab Jamahiriya)	Libyan Arab Jamahiriya
Dugard, Christopher John (South Africa)	South Africa United Kingdom of Great Britain and Northern Ireland Australia
Economides, Constantine P. (Greece)	Greece
Elaraby, Nabil (Egypt)	Egypt Japan
Escarameia, Paula (Portugal)	Portugal
Fomba, Salifou (Mali)	Mali
Gaja, Giorgio (Italy)	Italy
Galicki, Zdzislaw W. (Poland)	Poland
Goco, Raul Ilustre (Philippines)	Philippines
Hanqin, Xue (China)	China
Herdocia Sacasa, Mauricio (Nicaragua)	Nicaragua
Hinestrosa, Fernando (Colombia)	Colombia
Idris, Kamil E. (Sudan)	Sudan Bulgaria Sri Lanka
Ige, Adegoke Ajibola (Nigeria)	Nigeria
Kabatsi, Peter C. R. (Uganda)	Uganda
Kamto, Maurice (Cameroon)	Cameroon
Kateka, James L. (United Republic of Tanzania)	United Republic of Tanzania New Zealand South Africa

Name and nationality	*Nominated by*
Kittichaisaree, Kriangsak (Thailand)	Thailand
Koskenniemi, Martti (Finland)	Finland
Kuznetsov, Valery I. (Russian Federation)	Russian Federation
Mansfield, William (New Zealand)	New Zealand Australia Singapore South Africa United Republic of Tanzania Mexico Samoa
Melescanu, Teodor Viorel (Romania)	Romania
Momtaz, Djamchid (Iran, Islamic Republic of)	Iran, Islamic Republic of
Niehaus, Bernd H. (Costa Rica)	Costa Rica
Opertti Badan, Didier (Uruguay)	Uruguay
Pambou-Tchivounda, Guillaume (Gabon)	Gabon
Pellet, Alain (France)	France Germany India
Rao, Pemmaraju Sreenivasa (India)	India Japan France United Kingdom of Great Britain and Northern Ireland
Rodríguez-Cedeño, Victor (Venezuela)	Venezuela
Rosenstock, Robert (United States of America)	United States of America
Sepúlveda, Bernardo (Mexico)	Mexico Canada
Simma, Bruno (Germany)	Germany France
Subedi, Surya P. (Nepal)	Nepal
Tomka, Peter (Slovakia)	Slovakia
Tueni, Michel J. (Lebanon)	Lebanon
Yamada, Chusei (Japan)	Japan India Egypt

4. The statements of qualifications of candidates received from the nominating Governments are to be found in document A/56/124.

5. The General Assembly, by its resolution 36/39 of 18 November 1981, decided that the 34 members of the International Law Commission should be elected according to the following pattern:

(a) Eight nationals from African States;

(b) Seven nationals from Asian States;

(c) Three nationals from Eastern European States;

(d) Six nationals from Latin American States;

(e) Eight nationals from Western European or other States;

(f) One national from African States or Eastern European States in rotation, with the seat being allocated to a national of an African State in the first election held after the adoption of the resolution;

(g) One national from Asian States or Latin American States in rotation, with the seat being allocated to a national of an Asian State in the first election held after the adoption of the resolution.

6. The rotational seat referred to in subparagraph (f) above was allocated to a national of an Eastern European State at the election held in 1996. Accordingly, the seat shall be allocated to a national of an African State at the forthcoming election.

7. The rotational seat referred to in subparagraph (g) above was allocated to a national of a State of Latin America and the Caribbean at the election held in 1996. Accordingly, the seat shall be allocated to a national of an Asian State at the forthcoming election.

8. Thus, the allocation of seats on the Commission for the five-year term beginning on 1 January 2001 will be as follows:

Nine nationals from African States;

Eight nationals from Asian States;

Three nationals from Eastern European States;

Six nationals from Latin American and Caribbean States;

Eight nationals from Western European and other States.

9. The election will be held under the appropriate provisions of the statute of the Commission and of the rules of procedure of the General Assembly.

10. Article 2, paragraph 1, of the statute of the Commission provides that the Commission shall consist of persons of recognized competence in international law. Article 8 states that at the election the electors shall bear in mind that the persons to be elected to the Commission should individually possess the qualifications required and that in the Commission as a whole representation of the main forms of civilization and of the principal legal systems of the world should be assured.

11. Article 7 of the statute provides that the Secretary-General shall prepare the list provided for in article 3, comprising in alphabetical order the names of all the candidates duly nominated, and shall submit the list to the General Assembly for the

purposes of the election. The Secretary-General will at a later date, pursuant to article 7 of the statute, prepare and submit to the Assembly such a list of all the candidates nominated.

12. By rule 92 of the rules of procedure of the General Assembly, the election shall be held by secret ballot and, accordingly, under the terms of rule 88, there shall be no explanation of vote, either before or after the voting.

13. According to article 9 of the statute of the Commission, those candidates, up to the maximum number prescribed for each regional group, who obtained the greatest number of votes and at least a majority of the votes of the States Members present and voting shall be elected. If the maximum number of persons prescribed for each regional group is not elected on the first ballot, there shall be additional ballots to fill the remaining places in accordance with the appropriate provisions of rule 94 of the rules of procedure of the General Assembly.

14. Article 10 of the statute of the Commission states that the members of the Commission shall be eligible for re-election. The current membership of the Commission, whose term expires at the end of 2001, is set out in the annex to the present note.

Annex

Current membership of the International Law Commission, whose term of office expires at the end of 2001

Emmanuel Akwei Addo (Ghana)
Husain Al-Baharna (Bahrain)
João Clemente Baena Soares (Brazil)
Ian Brownlie (United Kingdom)
Enrique J. A. Candioti (Argentina)
James Richard Crawford (Australia)
Christopher John Robert Dugard (South Africa)
Constantin P. Economides (Greece)
Nabil Elaraby (Egypt)
Giorgio Gaja (Italy)
Zdzislaw Galicki (Poland)
Raul Ilustre Goco (Philippines)
Gerhard Hafner (Austria)
Qizhi He (China)
Mauricio Herdocia Sacasa (Nicaragua)
Kamil E. Idris (Sudan)
Jorge E. Illueca (Panama)
Peter C. R. Kabatsi (Uganda)
Maurice Kamto (Cameroon)
James Lutabanzibwa Kateka (United Republic of Tanzania)
Mochtar Kusuma-Atmadja (Indonesia)
Igor Ivanovich Lukashuk (Russian Federation)
Teodor Viorel Melescanu (Romania)
Djamchid Momtaz (Islamic Republic of Iran)
Didier Opertti-Badan (Uruguay)
Guillaume Pambou-Tchivounda (Gabon)
Alain Pellet (France)
Pemmaraju Sreenivasa Rao (India)
Victor Rodríguez-Cedeño (Venezuela)
Robert Rosenstock (United States)
Bernardo Sepúlveda (Mexico)
Bruno Simma (Germany)
Peter Tomka (Slovakia)
Chusei Yamada (Japan)